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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,776	03/04/2004	Shingo Utsuki	500.37355CX1	4423

24956　　7590　　03/09/2007 MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314	**EXAMINER** DISTEFANO, GREGORY A

ART UNIT	PAPER NUMBER
2109	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-3* is/are pending in the application.

    4a) Of the above claim(s) *1* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2 and 3* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3/4/2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :3/4/2004, 1/6/2006, 8/8/2006, 10/4/2006.

DETAILED ACTION

1.   This action is in response to the application filed on 3/4/2004.

2.   The examiner acknowledges applicant's preliminary amendment, which cancels submission of claim 1, and submits claims 2 & 3 for examination.

3.   The examiner further acknowledges and accepts applicant's claim to the priority date of application number 09/340,033, filed June 28, 1999.

Specification

4.   The disclosure is objected to because of the following informalities:

Page 2, line 23 should read, "information about the attributes."

Page 5, line 5 states, "displaying method man information processing apparatus" and is believed to mean, "displaying method in an information processing apparatus."

Page 7, line 15 should read, "Information is presented."

Page 7, line 16 should read, "within a tab not being displayed."

Page 12, line 21 should read, "of servers 3 to 5."

Page 13, line 23 states, "which are placed within □ 10," where the number 10 is not with the designated figure and the square symbol is not numbered. The examiner therefore assumes the number 10 should be omitted.

The phrase "mouth operation" is used on (pg. 3, line 11), (pg. 4, line 23), and (pg.

32, line 9) and it is unclear to the examiner exactly what this operation is or how it

works, as it is never defined within the specification.

Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

5.   Claim 2 is rejected on the ground of nonstatutory obviousness-type double

patenting as being unpatentable over claim 1 of U.S. Patent No. 6,727,926, hereinafter

'926. Although the conflicting claims are not identical, they are not patentably distinct

from each other because:

Application Claim 2	US 6,727,926 Claim 1
Displaying tasks or objects to be processed as a tree which is expandable and reducible and has a multi-hierarchy	displaying, on a display apparatus, tasks or objects to be processed as a tree which is expandable and reducible and has a multi-hierarchy
monitoring a state of a leaf included in said tree	monitoring to see if an emergent state event has occurred in a leaf

when a change occurs in said state of said leaf, changing a node that includes said leaf into a state of node showing said change	when occurrence of an emergent state event is detected, changing a leaf corresponding to said occurring emergent state event into an emergent state and also changing a node that includes said leaf into a state in which a leaf in an emergent state is included
determining whether a higher order node of said node whose state has been changed to said corresponding state of node, has been expanded	determining whether a higher order node of said node has been expanded

if said higher order node has not been expanded, changing a higher order node of said node whose state has been changed to said corresponding state of node, into said corresponding state of node and also determining whether an even higher order node has been expanded or not	and if not expanded, changing said higher order node into a state in which a leaf in an emergent state is included, and further determining whether an even higher order node of said higher order node is expanded
when said even higher node has been expanded, changing a display of an object node that has been last changed into the corresponding state, into corresponding state of node	and if expanded, changing a display of said even higher order node of said higher order node into a state in which a leaf in an emergent state is included
wherein a state of a leaf or node of said tree that is not displayed in said tree is displayed on a node which is displayed at a lowest hierarchy in said tree and which includes said leaf or node	displaying, on the display apparatus, a state of a leaf of a node of said tree that is not displayed in said tree, said node is at a lowest hierarchy displayed in said tree

The examiner would like to further note that even though '926 does not explicitly teach the limitation of "changing a higher order node of said node whose sate has been changed to said corresponding state of node, into said corresponding state of node and also determining whether an even higher order node has been expanded or not," it

would have been obvious to one of ordinary skill in the art that '926 teaches the same method. Applicant's use of, "changing a higher order node of said node whose state has been changed to said corresponding state of node," is taught by '926, "changing said higher order node into a state in which a leaf in an emergent state is included." One of ordinary skill would recognize such similarities because '926's reference to "said higher order node" is obviously referencing "a higher order node of said node whose state has been changed to said corresponding state of node" as the node and it's connected parents are the only nodes being referenced in either claim and referencing each parent node's individual effected children does not change the functionality of the claim.

Claim 3 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,727,926. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Application Claim 3	US 6,727,926 Claim 2
displaying tasks or objects to be processed as a tree which is expandable and reducible and has a multi-hierarchy	Displaying, on a display apparatus, tasks or objects to be processed as a tree which is expandable and reducible and has a multi-hierarchy

if a node which is included in said tree and is instructed to be expanded is displayed in such a manner which indicates a state of node that said node includes a leaf whose state has been changed, expanding a lower order hierarchy of said node and changing the display of said node into a normal state and, of nodes in the expanded lower order hierarchy, changing a node which is under the corresponding state of node, into a display of said corresponding state of node	If a display of a node which is instructed to be expanded is in a state of a node in which a leaf in an emergent state is included, expanding a lower order hierarchy of said node and changing the display of said node into a normal state and , of nodes in the expanded lower order hierarchy, changing a display of a node in a state in which a leaf in an emergent state is included into said state in which a leaf in an emergent state is included
if a node which is under a state of node that said node includes a leaf whose state has been changed, reducing a lower order hierarchy of said node which is instructed to be reduced and changing said node which is instructed to be reduced, into the corresponding state of node as well as changing a display thereof into a display of said corresponding state of node	If a leaf in an emergent state is included in a node which is instructed to be reduced, reducing a lower order hierarchy of said node into a display of that state

wherein a state of a leaf or node of said tree that is not displayed in said tree, is displayed on a node which is displayed at a lowest hierarch in said tree and which includes said leaf or node	displaying, on the display apparatus, a state of a leaf of a node of said tree that is not displayed in said tree, said node is at a lowest hierarchy displayed in said tree

The examiner would like to further note that even though '926 does not explicitly teach the limitation of, "reducing a lower order hierarchy of said node which is instructed to be reduced and changing said node which is instructed to be reduced, into the corresponding state of node as well as changing a display thereof into a display of said corresponding state of node," it would have been obvious to one of ordinary skill in the art that '926 teaches the same method. Applicant's use of, "changing said node which is instructed to be reduced, into the corresponding state of node as well as changing a display thereof into a display of said corresponding state of node," is taught by '926 in, "reducing a lower order hierarchy of said node into a display of that state." One of ordinary skill would recognize such similarities because '926is specifically referring to the same node as the applicant in the instance of, "reducing a lower order hierarchy of said node," and although the applicant greatly explains that the, "changing said node which is instructed to be reduced, into the corresponding state of node as well as changing a display thereof into a display of said corresponding state of node," it is obvious that '926 is also changing the state of a parent node, which was instructed to be reduced, into a state corresponding to that of one of it's child leaves.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure:

Wang (4,468,728) teaches a search method using hierarchical trees and further

discusses the changing of states between child nodes in relation to their parents.

Phathayakorn et al. (US 5,986,653) teaches a method of event signaling in a

foldable object tree.

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gregory A. DiStefano whose telephone number is

(571)270-1644. The examiner can normally be reached on 7:30am-5:00pm Mon.-

Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Xiao Wu can be reached on (571)272-7761. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

G.A.D.
2/28/2007

XIAO WU
SUPERVISORY PATENT EXAMINER